GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Appeal No. 15265 of Steven and Roberta Pieczenik, pursuant to 11 DCMR 3105.1 and 3200.2, from the decision of Hampton Cross, Administrator, Building and Land Regulation Administration of the Department of Consumer and Regulatory Affairs (DCRA), made on December 21, 1989, to the effect that the Certificates of Occupancy for the Kalorama Guest House (Nos. B129524, B150053, B141109 and B137823) should be revoked for a rooming house in an R-5-B District at premises 1831, 1852, 1854 and 1859 Mintood Place, N.W., (Square 2250, Lots 153 and 154, and Square 2549, Lots 109 and 806).

HEARING DATE: March 28, 1990
DECISION DATES: May 2, 1990 and April 3, 1991

RECONSIDERATION ORDER

INTRODUCTION

The Board voted to deny the appeal at its public meeting of May 2, 1990. The order denying the appeal became final on February 22, 1991. The Board concluded that the actual use of the premises is inconsistent with the rooming house certificate of occupancy and that the appellants had the responsibility of applying for the occupancy permit that most accurately described the intended use.

The appellants filed a timely motion for reconsideration on March 7, 1991. In support of the motion for reconsideration the appellants first argued that the operation of the Kalorama Guest House fits within the rooming house definition that was in effect when they applied for the certificates of occupancy. They argued that the operation is not inconsistent with the definition of rooming house, nor is the current operation inconsistent with the description given to the Zoning Administrator's office. The operation is not, therefore, in violation of the Zoning Regulations. Appellants maintain that the Board's conclusions to the contrary are not substantiated in the record. In support of this argument, appellants cited the testimony of appellant Roberta Pieczenik, the Zoning Administrator, the Chief of the DCRA Office of Compliance and the inspector. Appellants argued that the testimony presented by these witnesses indicated that no aspect of the appellants' operation was prohibited by the old rooming house definition.

Appellants further argued that the testimony presented by the Chief of the Office of Compliance showed that the government attempted to apply the new rooming house definition to the property in recommending revocation of the certificates of occupancy.

Finally, appellants argued that the Zoning Regulations do not require the certificate of occupancy to be for the most restrictive use. They maintain therefore, that there is no evidence in the record of a violation of the Zoning Regulations.

On March 18, 1991, the District of Columbia government, opponents, submitted to the Board a memorandum in opposition to the appellants' motion to reconsider. The government argued first that the operation of the Kalorama Guest House squarely fits within the old definition of "inn" but that the same square fit is not found with the old definition of "rooming house". As a consequence, the rooming house certificates of occupancy are invalid. The government maintains that the appellants were charged with knowledge of the Zoning Regulations when they applied for their occupancy permits and if the Zoning Administrator suggested that they apply for rooming house permits it was because, as the Board found, he was not made fully aware of all of the details of the appellants' proposed use.

The government argued that it is irrelevant that neither the length of stay nor the serving of continental breakfasts is prohibited by the rooming house definition. They maintain that the issue is whether the appellants operated rooming houses or inns in an R-5-B zone. If they operated inns, they were in violation of the Zoning Regulations because the applicable Zoning Regulations did not and do not permit inns in an R-5-B zone.

Finally, the government argued that any attempt by the appellants to suggest that the new regulations were being applied retroactively is misguided because the Board clearly made its decision after due consideration of the definitions of "rooming house" and "inn" that were in effect when they applied for their certificates of occupancy.

On March 18, 1991, the Board received a statement from the intervenors, Kalorama Citizens Association, also expressing opposition to the appellants' motion to reconsider. In its submission the association stated that the appellants have raised no new issues, nor have they identified any errors of law or fact that entitle them to a rehearing. Intervenor maintains that the appellants were afforded ample and sufficient opportunity to argue the merits of their appeal. The association pointed out that, in addition to receiving written submissions, the Board held a lengthy hearing. Also, considerable evidence was heard from all parties on all of the matters now addressed again by the appellants in their motion to reconsider. Intervenor therefore argues that the appeal

proceeding before the Board complied with all the requirements of law and the decision reached by the Board is valid and enforceable.

For these reasons, the intervenor argues that the motion for reconsideration should be denied.

Upon review of the motion, the responses thereto, the transcript of the proceedings and its final order, the Board concluded that its determination that the Zoning Administrator did not err in deciding to revoke the rooming house certificates of occupancy is not supported by substantial evidence in the record. At its public meeting of April 3, 1991, the Board voted to reconsider its decision in the subject appeal and finds as follows:

FINDINGS OF FACT:

1. The properties that are the subject of this appeal are known as premises 1831, 1852, 1854 and 1859 Mintwood Place, N.W. They are located in an R-5-B zone in the Adams-Morgan area of the city. These properties are owned by the appellants.

2. In 1980, the appellants purchased the property located at 1854 Mintood Place, N.W., (Square 2550, Lot 153). It is developed with a three-story plus basement brick structure. The structure contains six units and has been used as a tenement house and as a rooming house.

3. The appellants purchased the remaining properties between 1983 and 1986.

4. The property located at 1852 Mintwood Place (Square 2550, Lot 154) is developed with a three-story with basement brick structure. The structure contains six units and it was previously used as an apartment house.

5. A four-story with basement brick structure is located at 1859 Mintwood Place (Square 2549, Lot 806). There are five units in this facility which has been used as a tenement house, a rooming house and an apartment house.

6. At 1831 Mintwood Place (Square 2549, Lot 169) there is a brick structure containing eight units, three stories and a basement. In prior years this structure was used as a tenement house.

7. In 1981, the appellant, Mrs. Pieczenik, researched the laws and regulations applicable to the property on Mintwood Place. She discussed the appropriate use category with the Zoning Administrator's office. She informed the official of the nature of the proposed use. She indicated to him that the rooms would be

rented on a daily basis and that she planned to serve continental breakfasts. The Zoning Administratror indicated to her that the appropriate category would be a "rooming house." The appellants then applied for a rooming house certificate of occupancy for the

1854 Mintwood Place property. On May 11, 1982, Certificate of Occupancy No. B129524 was issued for a rooming house use with six units covering all three floors and the basement.

8. The applicants subsequently applied for and received rooming house certificates of occupancy for the other properties as follows:

- 1859 Mintwood Place - Certificate of Occupancy No. B137823 dated February 22, 1984;

- 1852 Mintwood Place - Certificate of Occupancy No. B141109 dated January 29, 1985;

- 1831 Mintwood Place - Certificate of Occupancy No. B150053 dated June 17, 1987.

9. After receiving certificates of occupancy on the properties, the appellants began operating the facilities which they refer to collectively as the Kalorama Guest House.

10. Around 1978, a number of city residents began to complain to their Councilmembers about the proliferation of inns in residential districts and the negative impact that they have on these neighborhoods.

11. In September of 1987, at the request of Councilmember John Ray, Chairman of the Committee on Consumer and Regulatory Affairs, the Department of Consumer and Regulatory Affairs (DCRA) conducted a regulatory survey of bed and breakfast facilities in the District of Columbia. They were compared with rooming and boarding houses located in the city.

12. The survey team consisted of inspectors in the following fields; food, zoning, housing, electrial and construction. There was also an Office of Compliance (OCOM) investigator.

13. During the survey, the investigator was informed by the manager of the Kalorma Guest House that guests stay from one to three days, and that pastries and coffee are served to the guests.

14. Based on the information and data complied during the regulatory survey regarding the average length of stay of guests (which was determined to be two days), the rental of rooms on a daily basis, and the fact that guests were provided with a

continental breakfast, DCRA determined that the Kalorama Guest House was operating as an inn, as opposed to a rooming house.

15. After counsulting with zoning officials at DCRA, Diana Haines, Chief of the Office of Compliance, under whose guidance the 1987 regulatory survey was conducted, determined that, pursuant to a Zoning Commission ruling, inns could not operate in residential areas after May 16, 1980.

16. Responding to the concerns raised about inns in residential districts, the Zoning Commission held hearings in February 1988 on the issue of home occupations and transient accommodations. At these hearings, DCRA presented the information gathered in the bed and breakfast survey.

17. In March 1988, Ms. Haines directed the appellants, as well as other owners of bed and breakfast establishments, to attend a compliance meeting with DCRA. The meeting was held in April 1988.

18. The appellants were directed to bring to the compliance meeting information about any licenses that they possessed with respect to their business, any certificates of occupancy, tax information, and any communications they had had with DCRA about how they determined that their business was a rooming house.

19. In a letter dated June 7, 1988, Ms. Haines notified the appellants that, as a result of the inspections conducted by DCRA in March 1988, and information that had been provided to DCRA by the appellants or its representatives, DCRA had determined that the appellants were operating inns as defined by 11 DCMR 199, and therefore, were in violation of 11 DCMR 3203.1 for operating without proper certificates of occupancy. Futher, the appellants were directed to obtain certificates of occupancy for inns within two weeks of receiving the letter dated June 7, 1988.

20. In September 1988, Ms. Haines met with Hampton Cross, Administrator of the Building and Land Regulation Administration (BLRA); Patricia Montgomery, Assistant Administrator of the BLRA; Joseph Bottner, Zoning Administrator; Paul Waters, Enforcment Officer at the Office of Compliance; and Jonathan Farmer, an attorney representing the appellants, to discuss enforcement action that DCRA would take concerning the bed and breakfast establishments that were operating without certificates of occupancy for inns in the District.

21. At the September 1988 meeting, the appellants' attorney requested that DCRA hold in abeyance any enforcement actions against the bed and breakfast facilities pending publication of the Zoning Commission's final rules on transient occupancies.

Considering this a reasonable request, DCRA agreed not to take any enforcement action pending publication of these rules.

22. Because the Zoning Commission had not published final rules regarding transient occupancies by October 1989, DCRA moved to revoke the certificates of occupancy of 1831, 1852, 1854, and 1859 Mintwood Place, N.W.

23. Before taking action on October 26, 1989 to revoke the certificates of occupancy for the subject premises, DCRA checked its records to ascertain whether the appellants had applied for certificates of occupancy as inns or had applied for variances with the Board of Zoning Adjustment. They had done neither.

24. On January 5, 1990, the appellants filed an appeal with the Board of Zoning Adjustment. The appellants maintain that to revoke their certificates would be an error because their use complies with the "rooming house" use as that term was defined when the occupancy permits were applied for and issued. The public hearing was set for March 28, 1990.

25. On March 26, 1990, DCRA conducted a rooming house survey. The Kalorama Guest House was inspected again. The inspection revealed that there was a dining room at 1854 Mintwood Place and that guests at 1831, 1852 and 1859 Mintwood Place were referred to 1854 Mintwood Place for a continental breakfast.

26. Based on the description of the premises provided by the zoning inspector, and allegedly applying the definitions in the Zoning Regulations that were in effect in the District of Columbia prior to November 1989, the Zoning Administrator conclusively determined that the premises at 1831, 1852, 1854 and 1859 Mintwood Place, N.W., were not being operated as rooming house, but were being operated as inns.

27. On November 3, 1989, Zoning Commission Order No.614 (Case No. 87-31) on Transient Accommodations became effective. The new regulations more clearly delineate the guidelines for determing whether a rooming house or inn use is being made of certain property.

28. In their Motion to Dismiss the proposed action, the appellants maintained that the pre-1989 regulations govern their facilities and that no aspect of their operations exceeds the scope of the definition of rooming house. Therefore, they assert, their facilities operate pursuant to validly issued certificates of occupancy.

29. The District of Columbia government argued, on the other hand, that the actual use of the facilities is more consistent with the inn definition than with the rooming house definition because lodging is provided for transients and continental breakfasts are served. It was maintained that the appellants knew that they intended to use the property in this manner but they chose the rooming house label because rooming houses are allowed in the R-5-B zone. Inns are not.

30. The appellants also maintained that the government is estopped from revoking their certificates of occupancy.

31. The elements of estoppel, as set forth in Saah v. District of Columbia Board of Zoning Adjustment, 433 A.2d 1114, (1981), are as follows:

> (1) Actions taken by petitioner in good faith, (2) some affirmative response by the District government, (3) that petitioner made expensive and permanent improvements in reliance, and (4) that the equities are strongly in petitioner's favor.

32. The appellants asserted that they exercised good faith when they applied for the certificates of occupancy. They researched the laws and regulations and consulted with the appropriate officials. They maintained that they were informed by an official in the Zoning Administrator's office that a rooming house certificate of occupancy should be sought. Relying on this advice, the appellants applied for and received rooming house certificates of occupancy for each of the four properties. Permanent improvements were subsequently made in excess of $1,000,000. They maintained that the equities are strongly in their favor because they have been in compliance with their occupancy permits for over eight years and their property rights have vested.

33. The government, in opposing this argument, stated that there is no proof that the Zoning Administrator's office gave the assurances alleged; that improvements made to the properties are irrelevant if the use is in violation of the law, that the purpose of Zoning Regulations is to control the use of land so as to serve the public health, safety, morals and general welfare; and that the District of Columbia government has a duty to vigorously enforce those laws.

34. Based upon Mrs. Pieczenik's testimony, the Board finds that before the appellants applied for a certificate of occupancy she informed the official in the Zoning Administrator's office that they proposed to accommodate guests on a daily basis and to serve a continental breakfast. Given this information, the official advised appellants to apply for a rooming house certificate of

occupancy. The Board finds that neither the Zoning Administrator nor any other government official presented evidence to controvert the appellant's testimony about her consultations at the Zoning Administrator's office. The Zoning Administrator's office was therefore aware of the actual use of the property since operations began, and permits were issued with this awareness.

35. Finally, it was argued by the appellants that the doctrine of laches bars the revocation. The doctrine of laches is defined as "the omission to assert a right for an unreasonable and unsatisfactorily explained lenth of time under circumstances prejudicial to the party asserting laches." Weick v. D.C. Board of Zoning Adjustment, 385 A.2d 7, 11 (D.C. Ct. of App. 1978).

36. The appellants noted that their first certificate of occupancy was issued in May 1982 and that the Kalorama Guest House opened in June 1982. They asserted that DCRA was aware of the issues concerning bed and breakfasts in 1987 when the survey was conducted. Because the government did not inform the appellants of its intent to revoke the certificates of occupancy until 1989, the appellants argued that the government waited an unreasonable period of time without giving an explanation for the delay. The appellants maintained that the delay of approximately two and a half years was prejudical to them.

37. The government stated that it became aware of the violation in 1987 and the appellants were given an opportunity to come into compliance. It was the appellants' attorney who requested that the government delay further action until the Zoning Commission's new rules were published. It cannot be argued that the government caused the delay.

38. In testimony at the hearing, the appellants maintained that none of the activities or uses conducted on their premises were prohibited in the rooming house definition. The appellants established specifically that the old definition of "rooming house" does not prohibit transient accommodations or the serving of continental breakfasts. In his testimony, the Zoning Administrator was unable to establish that the old definition prohibited these aspects of the operation.

39. The government maintained that the issue is not the length of stay or whether continental breakfasts are prohibited in the old definition. The issue is whether the actual use fits the definition of inn. The government argues that it has applied the old definitions and finds that the actual use fits the inn definition better than the rooming house definition.

40. The Board finds that the issue is whether the certificates of occupancy are valid and therefore should not be revoked.

41. The Board finds that while the appellants applied for a rooming house certificate of occupancy, it was the Zoning Administrator who made the determination that the use fits the definition. Therefore, he issued the permits and authorized the use. It was not until 1987, after the complaints from neighbors and city investigations began, that the inspections were again conducted and the occupancy permits were challenged.

42. At the public hearing, the government's attorney asked Ms. Haines, Chief of the Office of Compliance, what specifically in the definitions caused DCRA to determine that that the facility was being operated as an inn. Mrs. Haines indicated that the determination was based on the inspector's reports as well as the definitions. The inspectors found that the average length of stay was two days, that an average of 80 guests stay at the guest house per year, and that there is a place where the guests can congregate to eat the continental breakfast that is served. She then stated:

> . . . and based on that deinition, the present definition of a rooming house, with rooming house and inn, it was determined that the activities of the Mintwood Place addresses were closer to the inn definition than the rooming house definition. And I made my recommendation to Mr. Cross at that time, that they were probably misclassified as a rooming house and that they were an inn. (Emphasis added)

Based on this testimony, the circumstances and timing of events in the case, the Board finds that DCRA was attempting to apply the new definitions of rooming house and inn to the operations at the Kalorama Guest House.

43. The Board finds that the appellants' properties were inspected on several occasions prior to these recent inspections, but at no point were the appellants informed that their operations were in violation of their certificates of occupancy.

44. The Board finds that the Zoning Commission did not provide for retroactive application of the Zoning Regulations in Order No. 614. Therefore, the new definitions are not applicable to the subject property.

45. At the public hearing, the Chief of the Office of Compliance could not establish that any aspect of the operations were prohibited by the old definition of rooming house.

46. The Kalorama Citizens Association (KCA) requested that it be permitted to intervene in the subject appeal on behalf of owners of property within 200 feet of the site. The Board allowed the intervention.

47. KCA opposed the appeal and requested that it be denied. Through testimony at the hearing and written statements submitted to the Board, the Association indicated that some of the properties had intervening single-family uses. There were no rooming house uses, therefore, the appellants do not enjoy grandfather rights. KCA argued that the appellants were in violation of the Anti-conversion law which makes it unlawful to convert residential units into transient accommodations. The further arguments of the KCA paralleled those of the government. The Association stated that the premises are more accurately used as inns rather than rooming houses, according to pre-1989 definitions. A number of documents were submitted demonstrating that the appellants advertised and held themselves out as an inn operation to serve short term guests. The Association further argued that the government is not estopped from revoking the certificates of occupancy, nor is the doctrine of laches a bar. The Board does not agree with the position of the Kalorama Citizens Association.

48. By letter dated March 21, 1990, Advisory Neighborhood Commission (ANC) 1C expressed the position that the certificates of occupancy should be revoked. By resolution adopted March 7, 1990, ANC 1C noted that for the past ten years it has reviewed the issues arising from the operation of bed and breakfast establishments in residential zones. The ANC observed that such operations cause the following problems:

- increase noise and disturbance to neighbors;
- deprive residents of public parking;
- create additional trash with attendant trash disposal problems;
- increase traffic on residential streets, both automobile and service supply vehicles, private and commercial;
- artificially inflate property values;
- reduce the availability of residential housing; and
- unlawfully and unfairly compete with similar businesses in commercial zones

ANC 1C concluded, therefore, that it is an inappropriate use, that there is no justifiable reason for a zoning adjustment and the appeal should be denied.

49. The Board appreciates the concerns of the ANC 1C which address the inappropriateness of this commercial use in residential areas. However, because the ANC's concerns do not address the

definitional issues raised in this appeal, the Board does not base its decision on the position of ANC 1C.

50. A representative of the Residential Action Coalition testified in opposition to the appeal. She indicated that property owners should be required to comply with the Zoning Regulations and anti-conversion laws, that the city and citizens acted in a timely fashion to prevent the continuation of unlawful uses and that there is a great concern over the loss of housing stock in the District of Columbia.

51. The Ward One Council, by letter dated March 28, 1990, expressed its opposition to the appeal. The association expressed support for the efforts of the government in enforcing the Zoning Regulations and protecting residential areas from non-residential uses.

52. Councilmembers John Ray, Chairman of the Committee on Consumer and Regulatory Affairs; Betty Anne Kane, at-large Member; and Frank Smith, Ward One representative; testified in favor of the revocation. They expressed concern over the message that will be conveyed if property owners are permitted to circumvent the regulations. The Councilmembers urged the Board to assist the government in its attempt to protect the housing stock in the city. They requested that the appeal be denied.

53. Four neighbors testified in opposition to the appeal. They expressed concern about the loss of residential property; the presence of strangers because of the transient use; the increase in congestion and activity on Mintwood Place; and the decline in the quality of life in the area because of the inns.

54. No one testified in support of the appeal.

55. Sixteen letters of support were received into the record. These letters mainly expressed the need for the Kalorama Guest House and the fact that the facilities are unobtrusive. Supporters also indicated that they like the diversity that is characteristic of the Adams-Morgan area.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing findings of fact and evidence of record, the Board concludes that the Zoning Administrator erred in deciding to revoke the rooming house certificates of occupancy on premises 1831, 1852, 1854 and 1859 Mintwood Place, N.W.

When the appellant applied for the certificates of occupancy, "rooming house" was defined in Sub-section 199.9 of the Zoning Regulations as follows:

> Rooming House - A building or part of a building, other than a motel, hotel, or private club, that provides sleeping accommodations for three (3) or more persons who are not members of the immediate family of the operator or manager, and when the accommodations are not under the exclusive control of the occupants.

Sub-section 199.9 of the Zoning Regulations also contained the following definition of "inn":

> Inn - A building or part of a building in which habitable rooms or suites are reserved exclusively for transient guests who rent these rooms or suites on a daily basis. Guest rooms or suites may include kitchens, but central dining other than continental breakfast for guests is not allowed. Commercial adjuncts, function rooms, and exhibit space as permitted in hotels are not allowed. The term "inn" shall not be interpreted to mean motel, hotel, private club, or apartment house.

On November 3, 1989 these definitions were amended by Zoning Commission Order No. 614. They are now defined as follows:

> Rooming house - a building or part thereof that provides sleeping accommodations for three (3) or more persons who are not members of the immediate family of the resident operator or manager, and in which accommodations are not under the exlusive control of the occupants. A rooming house provides accommodations on a monthly or longer basis. The term "rooming house" shall not be interpreted to include an establishment known as, or defined in this title as, a hotel, motel, inn, bed and breakfast, private club, tourist home, guest house, or other transient accommodation.
>
> Inn - a building or part of a building in which habitable rooms or suites are reserved primarily for transient guests who rent the rooms or suites on a daily basis. Guest rooms or suites may include kitchens, but central dining, other than breakfast for guests, is not allowed. The term "inn" may be interpreted to include an establishment known as a bed and breakfast, hostel, or tourist home, but shall not be interpreted to include a hotel, motel, private club, rooming house, boarding house, tenement house, or apartment house.

The Board concludes that when the appellants applied for the certificates of occupancy, they were obligated to inform the Zoning Administrator of the intended use of the property. Likewise, the

Zoning Administrator was responsible for examining the requirements in the Zoning Regulations and making a sufficient inquiry about the proposed use to allow for an informed decision about the appropriateness of the use category on the certificate of occupancy application.

The Zoning Regulations do not require that an applicant for a certificate of occupancy select the use category that most closely fits the proposed use. The use must simply meet all of the requirements or come within all of the limitations of the Zoning Regulations governing that use.

The Board concludes that there is nothing about the actual use of the appellants' guest houses that is inconsistent with the former rooming house definition. The use also fits within the old inn definition. But the occupancy permits were issued for a rooming house and it is that definition upon which the Board's decision must be based.

The Board believes that the government had ample opportunity, since operations began, to invalidate the certificates of occupancy if they were improper, since the premises had been inspected many times and the use had not changed over the years.

The Board concludes that the old definition of rooming house does not mention length of stay or the serving of continental breakfasts. However, the new rooming house definition does provide guidelines for length of stay and it distinguishes rooming houses from inns and other uses. Contrary to what the government argues, testimony in the government's case provides the basis for the Board's opinion that the government has attempted to apply the present standards to the subject property. The Board concludes, however, that this is improper because the new regulations are not retroactive.

In light of the foregoing, the Board concludes that the certificates of occupancy are valid and that the decision to revoke them was made in error. Having reached this conclusion, the Board finds it unnecessary to address the estoppel and laches defenses raised by the appellants.

The Board concludes that it has considered the views and concerns expressed by ANC 1C under the "great weight" statute.

In light of the foregoing, it is hereby **ORDERED** that the appeal is **GRANTED** and the decision of the Board is **REVERSED**.

DECISION DATE: April 3, 1991

VOTE: 3-1 (Charles R. Norris, Paula L. Jewell and Carrie L. Thornhill to grant; John G. Parsons opposed to the motion by proxy; Sheri M. Pruitt not voting, not having heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: Madeliene H. Robinson
MADELIENE H. ROBINSON
Acting Director

FINAL DATE OF ORDER: JAN 31 1992

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

15265Order/TWR/bhs

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA APPLICATION NO. 15265

As Acting Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on JAN 31 1992 a copy of the order entered on that date in this matter was mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

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Madeliene H. Robinson

MADELIENE H. ROBINSON
Acting Director

DATE: _____

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